



LOCAL

# Bucks County inmate sentenced for providing drugs that killed another prisoner in 2022



**Jo Ciavaglia**

Bucks County Courier Times

Published 4:14 p.m. ET Oct. 1, 2024

A Philadelphia man will spend at least seven years in prison for sharing illegal drugs with other Bucks County jail inmates in 2022, including one who fatally overdosed.

On Tuesday, Bucks County Common Pleas Judge Raymond McHugh sentenced Allen Rhoades Jr., 31, of Philadelphia, to serve 7 to 20 years in state prison in connection with drug smuggling and the resulting death of Joshua Patterson.

The negotiated sentence was part of a plea where Rhoades pleaded guilty to four felonies including drug delivery resulting in death, which carried a potential 40-year prison sentence.

Rhoades declined to make a statement before sentencing.

**More on the death of Joshua Patterson** Bucks County corrections officer says he lost his job for talking to lawyer who sued county

Rhoades' attorney, Keith Williams, told the court that Joshua Patterson would be alive today if the police officers and county corrections officers performed their jobs correctly, and found the large amount of illegal drugs that Rhoades concealed in his pants when he was arrested.

“Any search of him would have stopped the tragedy,” Williams said.

The judge agreed.

“If he had been searched, this would not have occurred,” McHugh said.

Rhoades was a passenger in a car that Pennsylvania State Police stopped on July 25, 2022. The driver — Rhoades' drug dealer — had illegal drugs in the car and he told Rhoades to hide

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as much as he could from the troopers, Williams said.

The driver was arrested after illegal and prescription drugs were found in the car. Rhoades was taken into custody as well after police learned he had an outstanding arrest warrant.

In routine pat-down searches of Rhoades, police officers with two departments failed to find a “baseball size” amount of drugs he had stuffed into his underwear, authorities said.

When Rhoades arrived at the jail reception intake, corrections officers there also failed to find the drugs in clothed pat downs. The corrections staff also failed to notice that surveillance cameras captured images of Rhoades twice snorting a line of fentanyl off his arm then flushing the baggies down the toilet in the holding cell.

On the surveillance video Rhoades was seen twice removing the drugs from his underwear and concealing them, first in a sandwich wrapper, then a brown bag that contained a prison-issued meal, and last a prison-issued clothing bag before he was moved to the general population area, the affidavit said.

Within five minutes of entering the main jail, Rhoades started trading the drugs for food, headphones, artificial sweetener and coffee; he also offered heroin to other inmates, including 22-year-old Joshua Patterson, of Philadelphia.

Patterson had been incarcerated for roughly eight months on an alleged probation violation when a corrections officer found him unresponsive and not breathing in his cell on July 27, 2022, according to court documents.

The father of three children under 4 years-old was taken to Doylestown Hospital where he died Aug. 1. An autopsy found his cause of death was fentanyl intoxication.

Patterson’s mother, Valeria Corbin, sued the county, its corrections center and employees for wrongful death last year, but a federal judge dismissed the claims earlier this year citing a lack of evidence the jail has a pervasive drug-smuggling problem and employees ignore it.

On Tuesday, though, Corbin’s mother told McHugh how her son was a support for her after she was diagnosed with breast cancer in 2018.

“I wanted him to be there when I rang the bell,” she said, referring to a common tradition where cancer patients ring a bell after their last treatment.

Belinda West, who took in Patterson while he was still in high school, read a statement written by her daughter, Patterson's former girlfriend about how his death has impacted her life.

She wrote about how Patterson often would say that death is the only thing humans are promised. Shortly before his death, she said Patterson talked about finding hope and faith.

"He was troubled with a big heart," her daughter wrote. "It's my mission to make a positive out of this situation."

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## NEWS

# Bucks corrections officers mandated to work overtime to fill staffing shortage at Doylestown prison

**Peg Quann**

Bucks County Courier Times

Published 10:00 p.m. ET Oct. 7, 2021

Corrections officers at Bucks County Prison are working mandatory four to eight hours overtime on top of their normal eight-hour shifts due to the shortage of personnel at the facility in Doylestown Township.

New Department of Corrections Director David Kratz said the mandatory overtime was required because the prison should have about 320 employees, but is now down about 70 staff members. He didn't say how many were corrections officers.

Kratz spoke following the Bucks County Board of Commissioners' meeting Wednesday. He said the prison, which has a total inmate population of 840, was safe despite "the low staffing" because of the mandatory overtime.

**More:** Bucks County orders jail staff to get COVID vaccine or be terminated

Five corrections officers recently left the county, according the Wednesday county meeting agenda. The separation lists for meetings over the summer also listed multiple correction officers departing.

The county has mandated that its corrections department personnel be fully vaccinated by Oct. 1 or receive a medical or religious exemption to keep their jobs. Kratz could not say how many corrections officers may have resigned recently because of the COVID crisis or because of the vaccine requirement. He said he doesn't know of anyone now working at the prison who is non-compliant.

"There's some people we still have to talk to. So far, we haven't found anyone out of compliance," he said.

"Like many industries in both the public and private sector, staffing shortages have been a reality for some time now, and our prison is no different," Commissioner Chairwoman Diane Ellis-Marseglia said Thursday. "Public safety remains critical, and we are proud that our corrections staff continues to meet the challenge."

**More:** Bucks County names new leaders in corrections, emergency management and parks. Here are their priorities.

Kratz became director of the county's Department of Corrections following the June retirement of Chris Pirollo, the longtime head of the department.

As part of the meeting, the county also hired a Prison Rape Elimination Act coordinator, Gerald P. McCormac Jr., of Philadelphia, for a salary of \$67,000. He will be in an advisory role to help the county become compliant with the federal act that was instituted in 2003 to protect inmates from predators in the prison system.

The county also made mechanical and communication purchases for the Women's Correctional Facility now under expansion.

Marseglia said that readers can apply for open county positions, including jobs at the correctional facility, at [buckscounty.gov/jobs](https://buckscounty.gov/jobs). A corrections officer position starts at \$22.14 an hour.

Montgomery County also has had a shortage of prison personnel and held a hiring event Aug. 21 at which it listed its starting salary for correction officers at \$41,718. They are required to work rotating two-week shifts of 12 hours per shift.

There currently are 32 vacancies among Montgomery's correctional officers with nine officers in training. County spokeswoman Kelly Cofrancisco said the county mostly relies on volunteers for overtime duty but at times must mandate overtime work due to the vacancies.

To contact Peg Quann, email [mquann@couriertimes.com](mailto:mquann@couriertimes.com).



## NEWS

# County jails are in a staffing crisis. Here's how Bucks County Jail is dealing with it



**Jo Ciavaglia**

Bucks County Courier Times

Published 9:09 p.m. ET Feb. 24, 2022 | Updated 9:09 a.m. ET March 9, 2022

Shortly before the COVID-19 pandemic hit, Bucks County corrections administrators noticed something they'd never seen before: Where once the department had a waiting list for correction officer jobs, applications now were on the decline.

Two years later, the department has more vacancies than people to fill them. The turnover rate for corrections officers in Bucks has more than doubled, leaving fewer officers as inmate populations begin to rise again after declining during the pandemic.

Neighboring Montgomery County is facing the same dilemma. With an average daily population of 870 inmates, up from 839 last year, there are currently 207 corrections officers and nearly three dozen vacancies at the jail in Lower Providence.

Bucks and Montgomery counties are not alone.

Earlier this year, the Pennsylvania Prison Society, a nonprofit group that advocates for inmates, asked about 30 county representatives at a meeting if they were experiencing correction officer shortages.

"Almost all said yes," Executive Director Claire Shubik-Richards said.

Staff shortages are a perpetual challenge for most correctional facilities, but the pandemic pushed many into crisis mode, according to national data. It has also forced counties to get more creative and generous with recruiting to compete for a smaller applicant pool.

Fewer correction officers means mandatory overtime shifts, increasing costs for taxpayers. For inmates, it can mean longer lockdowns and cancelation of activities, which creates



tension and increases risks of violence. It also has resulted in court case backlogs, as there are not enough officers to accompany defendants to court appearances.

The resulting stress and physical exhaustion has led more veteran officers to retirement and newer officers to quit sooner, according to corrections experts.

“Industry-wide, speaking to other people in corrections, it’s been a rough year with COVID,” said Bucks County Corrections Director David Kratz. “These officers have been through a lot. They’ve really been dragged through the grinder. People are tired.”

Kratz himself is new to the role, having assumed the top administrative position in October, after his predecessor, Chris Pirollo, 58, retired after 39 years, the last four in the job Kratz now has.

In Montgomery County, Corrections Department Warden Julio Algarin, 70, retired last year after 45 years, the last 15 in the top administrator role

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## How staff shortages impact jails

Bucks County jail currently employs 209 corrections officers, and Bucks County commissioners are expected to approve 11 new hires at its next meeting.

Yet based on the inmate population, Kratz would like to see the number of staff closer to 240. There are currently nine supervisor vacancies and 59 correction officer vacancies, though some of those positions are reserved for the new 306-bed women’s correctional center scheduled to open in the summer, county spokesman James O’Malley said.

Correction officer turnover in Bucks has jumped from 11% in 2019 to 26.5% last year, according to county employment data. Between 2018 and 2019, 16 corrections officers retired. In the last year, 22 retired.

An average shift requires 30 to 45 correction officers on duty, which works out to two officers to run a module with up to 92 offenders, Kratz said. In modules with a high number of

inmates on watch protocols, which require regular monitoring, the number of officers rises to three.

The impact of staffing shortages has worsened as a result of rolling delays in offender transfers to state prisons as a result of COVID outbreaks there. The transfer backlog has forced counties to keep inmates sentenced to state time longer than normal.

Pre-COVID, inmate transfers were scheduled weekly, but as recently as last month it can be a two- or three-week wait, and only five offenders are taken each trip, Kratz said.

The holding pattern has meant between 30 and 70 extra offenders are held at the jail, which has created tight quarters, Kratz said. It also has meant that at times, the jail has had to go to temporary cots in cells and dayrooms to accommodate. It has made it much harder to isolate inmates during COVID outbreaks, he added.

Another issue is that once an offender is sentenced to state prison, the supervision and security requirements increase, which, with fewer officers, means mandatory overtime shifts.

One strategy to deal with staffing shortage has been the implementation of rolling lockdowns, where inmates are restricted to their cells, Kratz said. If half a module is locked down, it means only one officer is needed on the block instead of two.

The jail does the limited lockdowns a couple times a week, typically lasting four to eight hours, Kratz said.

“That helps,” Kratz added. “We try to do it as a last resort.”

The addition of a program at the start of the pandemic that issued electronic tablets to inmates, which allow them to take classes, and download movies, educational programs and e-books, has helped with the rolling lockdowns, Kratz said. Recently the county upgraded the tablets to allow video visitation, which reduces officer need, and overtime costs, for in-person visits, he said.

## **Mandatory overtime, COVID cited as reasons for leaving**

Rolling lockdowns have also helped with keeping corrections staff fresh and rested, despite an increase in mandatory overtime shifts over the last six months, Kratz said.

**More on jail staff shortages:** Bucks corrections officers mandated to work overtime to fill staffing shortage at Doylestown prison

Mandatory overtime happens several times a week and heavily impacts the weekend shifts, he said.

Voluntary overtime goes by seniority, but mandatory overtime shifts are the opposite, targeting the newest workers first and putting a greater burden on them. Mandatory overtime shifts are four to eight hours, but no more than 16, Kratz said.

Despite the worker shortage, though, county data shows the amount of overtime paid to corrections officers has dropped over the last two years from \$3.53 million in 2019 to \$2.60 million last year. The county paid \$1.97 million in overtime in 2020, though the jail population was reduced as a COVID mitigation effort.

The mandatory overtime, along with a shift work schedule that changes often and includes weekends, has been a major factor in the exodus of newer corrections officers with less than than five years on the job, Kratz said.

The county's COVID-19 vaccine mandate for employees, implemented last year, has not been a "dominant theme" offered as a reason for leaving in exit interviews with corrections staff, O'Malley, the county's spokesman, added.

**More criminal justice stories:** Montgomery County Courts are holding people too long for alleged probation violations, ACLU claims in lawsuit

Montgomery County, which does not have a vaccine mandate for corrections officers, recently hired five new corrections officers, who will work rotating two-week shifts of 12 hours per shift, county spokeswoman Kelly Cofrancisco said.

The worker shortage has forced mandatory overtime at the jail, too, she added, but so far Montgomery County has avoided routine rolling lockdowns as a result of staffing.

## 'Everything is on the table'

Both counties say they've stepped up recruiting efforts in recent months.

Montgomery County plans to replicate tactics they used last year, Cofrancisco said. Those included buying newspaper ads and digital advertising and using county social media

accounts to promote corrections positions, which carry a starting base salary at \$41,718 a year. A walk-up hiring event was also held at the jail.

Bucks County is doubling down its efforts working with CareerLink and workforce development agencies for recruiting. They are attending more career fairs and working with the county's military affairs department to tap U.S. veterans for second-career opportunities, Kratz said.

The department is also reaching out to displaced workers and human resource departments directly, among them a Collegeville manufacturing plant that is closing its operations, Kratz said.

Bucks County correction officers are paid an hourly rate that ranges from \$22.14 to \$28.79. But there are plans in the works to offer financial incentives similar to what was done at the 360-bed county-run Neshaminy Manor Nursing Home, which is also experiencing staffing shortages.

The county has authorized bonuses of \$3,000 for current Neshaminy Manor employees, \$3,000 and \$1,500 sign-on bonuses for new employees, and another \$1,500 after six months employment. The county will use money from the federal American Rescue Plan Act for the payments.

"Everything is on the table right now," Kratz said.

Increasing wages and benefits and enticing employees is a smart long-term move, but it also takes time to hire, said Shubik-Richards, of the Pennsylvania Prison Society.

In the short term, counties need to keep the number of incarcerated individuals low enough to be at safe staffing levels, she said.

Those efforts could include speeding up court dates and reviewing all cases for people in custody to determine if there are people who don't pose a threat to the community, Shubik-Richards suggested.

Another short term fix is exploring if there are responsibilities typically done by corrections officers that can be done by county administrative staff, like delivering mail and meals.

"This often bumps into union issues," she said. "But if all parties are concerned about the safety of employees and people in custody, those issues should be able to be temporarily overcome to avert the crisis."

**COVID in jails:** PA state prisons halt in-person visitation amid COVID surge. What is happening in local jails

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# Pennsylvania inmate sold fentanyl to another prisoner that caused his death: Prosecutors

By FOX 29 Staff | Published October 2, 2024 11:05am EDT | Bucks County | FOX 29 Philadelphia |

**PHILADELPHIA** - A Pennsylvania inmate is being held responsible for selling fentanyl that prosecutors say lead to the overdose death of another prisoner.

Allen Rhoades, 31, was sentenced to 7-to-20 years for the death of Joshua Patterson, who was found unresponsive in his jail cell in August 2022.

The Bucks County Coroners Office later discovered that Patterson, who was 22 years-old when he died, suffered a lethal fentanyl overdose.

Investigators found that Rhodes had smuggled fentanyl and methamphetamine into the prison when he was arrested on outstanding warrants.

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Rhodes, according to prosecutors, sold or traded drugs with other inmates for food and other commissary items.

Eight bundles containing 123 wax bags of suspected heroin and nine bags of methamphetamine were found in Rhodes' cell, authorities said.

Investigators searched Patterson's cell after his death and found a clear bag and a homemade straw with powder that later tested positive for fentanyl.

In addition to the prison sentence, Rhodes was ordered to serve 10 years of probation and pay \$3,000 in restitution.

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## Some counts removed from plaintiff's wrongful death suit against Bucks County corrections officials

FEDERAL COURT



Beetlestone | US Courts

By Nicholas Malfitano  
Dec 1, 2023

PHILADELPHIA – A federal judge has partially dismissed counts from litigation initiated by a local woman who alleged that Bucks County and a number of its corrections officials had failed to ensure its prison was free of drugs, which she said led one of her loved ones to fatally overdose while in custody.

Valeria Corbin (as Administrator of the Estate of Joshua Patterson) of Philadelphia first filed suit in the U.S. District Court for the Eastern District of Pennsylvania on July 21 versus Bucks County, David Kratz, James Coyne, Carl Metellus, David Galione, Kelly Reed and John Doe Corrections Officers, all of Doylestown.

“The decedent was an inmate at the Bucks County Prison in July of 2022. The decedent died in custody at the Bucks County Correctional Facility on or about Aug. 1, 2022. The decedent died due to an overdose of narcotics. In July of 2022, the decedent was supposed to be in a restrictive housing unit. However, based on information and belief, the Bucks County



Correctional Facility does not maintain a restrictive housing unit; instead, they housed inmates on a normal block, but restricted their movement to their own cell,” the suit stated.

“In July of 2022, the decedent was restricted to his own cell on a normal block. In July of 2022, the block in which the decedent was housed was rampant with narcotics. Based on information and belief, inmates were actively using and distributing narcotics on the block where the decedent was housed. Defendant Bucks County failed to properly screen inmates before they were admitted to the prison population to ensure they were not bringing drugs into the facility. Defendant Bucks County failed to properly monitor the prison to ensure that inmates were not distributing narcotics in July of 2022. Defendant Bucks County failed to properly monitor the prison to ensure that inmates were not using narcotics in July of 2022.”

The suit continued that as a result of Bucks County’s failure to maintain a safe prison, free of narcotics, the plaintiff overdosed on narcotics and died.

“Defendants Kratz, Coyne, Metellus, Galione, Reed and Doe were decision and policy makers at the Bucks County Prison in July of 2022, responsible for the safety of inmates. Defendants Kratz, Coyne, Metellus, Galione, Reed and Doe did not have proper safety protocols in place on to ensure the safety of inmates in July of 2022. Defendants Correctional Officer Does did not properly monitor the block on which the decedent was housed, to provide safety, and more specifically that narcotics were not distributed and used on the block. As a direct and proximate cause of defendants’ actions and inactions, the decedent suffered immense physical injuries and death. Moreover, the decedent’s family suffered mental anguish and a loss of companionship, comfort, financial support, and guidance,” the suit said.

“Moreover, the decedent had death beneficiaries who will never see him again, nor will the decedent be able to provide financial support for his beneficiaries. Defendant Bucks County failed to create, implement, and enforce policies, practices and procedures to ensure that proper safety was provided to the decedent. Bucks County failed to ensure corrections personnel properly ensured that narcotics were not rampant in the Bucks County Prison. Bucks County failed to properly treated to check inmates in who were in restrictive housing to make sure the inmates were safe. The averred mistreatment of the decedent was objectively serious – the availability and use of narcotics in custody at the Bucks County Correctional Facility is not an acceptable practice under any circumstance.”

The surviving family members of Joshua Patterson are seeking all damages available under the Survival Act and Wrongful Death Act.

The Bucks County defendants filed a motion to dismiss the complaint for failure to state a claim upon which relief could be granted, on Aug. 11.

“On Aug. 1, 2022, Joshua Patterson voluntarily ingested drugs while incarcerated at the Bucks County Correctional Facility and passed away from an overdose of narcotics. Plaintiff Valeria Corbin, Administrator of the Estate of Joshua Patterson, now brings this action against the County, the named defendants (in their individual and official capacities), and certain “John Doe Corrections Officers.” The complaint asserts claims for: (i) failure-to-protect under the Eighth and Fourteenth Amendments; (ii) supervisor liability under the Eighth and Fourteenth Amendments; (iii) municipal liability under *Monell*; and (iv) wrongful death and survivorship under the Pennsylvania Constitution. The limited facts pled in the complaint, however, fail to state any plausible claim for relief,” per the dismissal motion, in part.

“First, the failure-to-protect claim against the named defendants is not only duplicative of the supervisor liability claim, it is without any factual support. Instead, the complaint relies on improper group pleading and immaterial lawsuits that have no relevance to the claims at issue. Second, there is similarly no claim for supervisor liability. There are no

facts showing the named defendants had knowledge of or acquiesced in the alleged drug use on Patterson's block or the purportedly inadequate screening procedures. The complaint merely hypothesizes that they were somehow involved in Patterson's death by virtue of their positions. Third, despite the complaint's assertion that the County maintained or failed to maintain properly at least ten policies, the complaint fails to substantiate these claims beyond overbroad, vague, and conclusory allegations. Much like the supervisor liability claim, the *Monell* claim jumps to the conclusion that a County policy caused Patterson's death. Fourth, because the complaint does not state any independent claims for relief, the derivative wrongful death and survivorship claims also fail. Accordingly, the complaint must be dismissed."

The plaintiff responded to the dismissal motion on Aug. 14 and refuted the defendants' counterclaims.

"Plaintiff averred in her complaint more than a sufficient amount of facts to survive a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). She averred the decedent was a narcotics addict, drugs were rampant throughout the block in which her decedent was housed, and inmates were not properly screened for narcotics when entering the prison. Subjectively, Bucks County should have had better control of its prison to prevent the widespread influx of illegal narcotics and drug use by inmates at the prison," the response brief stated.

"Further, plaintiff has not received any initial disclosures or information with the names of guards and supervisors who were on duty and responsible for the safety of the inmates on the block where the decedent was housed at the time of death. If this Honorable Court does not believe plaintiff has averred enough facts to make out this claim, plaintiff asks for leave to file an amended complaint regarding this count. Also, plaintiff respectfully requests this Honorable Court order the defendants to make initial disclosures and provide plaintiff with the proper identity of the guards and supervisor on duty during the time of plaintiff's incarceration and death subject to the instant complaint."

The response further asserted that the remaining claims are also valid and should survive a motion to dismiss.

"Plaintiff averred moving defendants were personally involved in policy, decision-making, training, and supervision regarding the safety of inmates at the Bucks County Prison. Plaintiff averred the supervisors and policymakers were responsible for policies related to the screening of new inmates at the facility to ensure no drugs were illegally smuggled into the prison. Further, these same policymakers and supervisors were responsible for maintaining a prison free from illegal narcotics. Again, supervisors need not have been personally involved and have knowledge of the specific constitutional violation when sued in their official capacity for a Supervisory Liability claim – they only need to be personally involved in the policy-making and supervision of the policy surrounding a pervasive drugs problem within the prison. Here, the Bucks County Prison had an extensive amount of illegal narcotics being circulated throughout the prison, which ultimately caused Mr. Patterson to die," the response said.

"Plaintiff clearly pled a defective system, custom, or de facto policy regarding screening of inmates at the time of admission to ensure drugs were not brought into the prison, and further, that the prison itself was free of illegal narcotics. Defendant Bucks County's motion to dismiss on *Monell* grounds grossly misses the mark. Plaintiff has averred sufficient facts to survive a motion to dismiss – she has alleged a systemic problem with drug distribution to inmates in the Bucks County prison. Alternatively, defendant Bucks County has been sued for a myriad of deliberate indifference cases. Plaintiff cited 11 cases in anticipation of the instant motion to dismiss, to show that defendant Bucks County has a long and distinguished history of not caring about the safety of inmates. These cases show

Bucks continues to minimize the safety and needs of inmates at their prison. They must be held accountable. Prisoner safety is the sine qua non of the County. They must provide the least among us with greater care to keep inmates safe.”

## UPDATE

In a Nov. 21 memorandum opinion, U.S. District Court for the Eastern District of Pennsylvania Judge Wendy Beetlestone dismissed the supervisory and municipal liability claims without prejudice, while retaining the failure to protect, survival and wrongful death claims.

“Defendants do not dispute the existence of this duty [to protect vulnerable inmates from drugs], Corbin’s analogy between prisoner suicides and drug overdoses, or the viability of an Eighth Amendment failure-to-protect claim in at least some prison-overdose cases. Rather, their arguments all go to whether Corbin has pled sufficient facts to state such a claim. Essentially, defendants argue that the amended complaint ‘alleges only a single instance of narcotics entering Patterson’s block,’ and that this singular instance ‘falls well short of paralleling the willful inaction [in the Sixth Circuit] in *Zakora v. Chrisman* or establishing the objective element.’ But while it is true that ‘a pervasive risk of harm may not ordinarily be shown by pointing to a single incident or isolated incidents,’ Corbin alleges far more than a one-off event. The amended complaint states that ‘inmates were actively using and distributing narcotics on the block where the decedent was housed,’ and it describes ‘a persistent smuggling problem’ at the defendants’ facility. And it further states that in the months after Patterson’s death, at least one other BCCF inmate overdosed on fentanyl that was also purchased while incarcerated. Whether Corbin is ultimately able to substantiate these allegations remains to be seen. But at this stage of litigation, they plausibly describe the kind of ‘unfettered access to drugs in a prison’ that the *Zakora* court determined was ‘sufficiently serious to satisfy the objective prong of an Eighth Amendment claim,” Beetlestone said.

“As with the objective prong, the allegations in Corbin’s amended complaint meet this standard. First, she alleges that individual Defendants both ‘knew there was a pervasive drug smuggling problem at the Bucks County Prison’ and ‘knew of the risks and harm associated with dangerous illegal drugs.’ Second, she alleges that they ‘ignored’ this knowledge “and did not do anything to curb the introduction, spread, and usage of dangerous drugs in prison, despite their direct and prior knowledge from prisoners regarding drugs in the prison.’ Third, with regard to Patterson himself, Corbin alleges that the individual defendants ‘knew the decedent was vulnerable to overdose or injury due to his previous narcotics usage,’ but housed him on a normal housing block and did not restrict other inmates from visiting his cell. Finally, to bolster the plausibility of these allegations, she describes multiple specific shortcomings in the performance of BCCF personnel, including that they performed just ‘a cursory pat down’ of Rhoades during his intake, failed to discover narcotics on his person when he entered the housing module, and ‘failed to properly check on [Patterson] to make sure he was safe and alive.’ As in *Zakora*, these allegations do not describe ‘simply a run-of-the-mill drug-overdose case.’ Rather, they describe an environment in which ‘relevant defendants allegedly knew that [the decedent] was at risk and ignored that risk,’ making this case “directly comparable to the suicide ‘deliberate-indifference’ cases where this court has allowed the claim to proceed beyond the pleading stage.”

Beetlestone added that Corbin’s response to the defendants’ dismissal motion addresses none of the shortcomings identified with her supervisory and municipal liability claims by the defendants, finding that she restated conclusory allegations in both instances and dismissing them both without prejudice.

Finally, Beetlestone retained the plaintiff’s survival and wrongful death claims and denied their dismissal.



“Here, defendants argue that Corbin’s wrongful death and survival act claims should be dismissed because her amended complaint fails to state an underlying constitutional tort claim – a requirement for recovery under these state statutes. But, as discussed above, the amended complaint successfully pleads a Section 1983 claim against the individual, non-supervisor defendants. Because defendants offer no other explanation for why Counts IV or V are improper, their motion to dismiss these counts will be denied,” Beetlestone said.

For counts of violating the Eighth and Fourteenth Amendments to the U.S. Constitution through failure to protect from illicit drugs, supervisory liability and municipal liability, survival and wrongful death, the plaintiff is seeking damages in excess of \$150,000 in compensatory damages, punitive damages, delay damages, interest, attorney’s fees and allowable costs of suit and brings this action to recover same.

The plaintiff is represented by Brian J. Zeiger of Levin & Zeiger, in Philadelphia.

The defendants are represented by Jaclyn Coutts Grieser and Tyler B. Burns of the Bucks County Law Department, in Doylestown.

*U.S. District Court for the Eastern District of Pennsylvania case 2:23-cv-02784*

*From the Pennsylvania Record: Reach Courts Reporter Nicholas Malfitano at [nick.malfitano@therecordinc.com](mailto:nick.malfitano@therecordinc.com)*

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## Staffing Crisis at Bucks County Prison Disrupts Overnight Inmate Intake

Posted to [Politics \(https://delawarevalleyjournal.com/category/politics/\)](https://delawarevalleyjournal.com/category/politics/), September 11, 2023 by [Todd Shepherd \(https://delawarevalleyjournal.com/author/toddsherpherdliberty/\)](https://delawarevalleyjournal.com/author/toddsherpherdliberty/).

This article first appeared in *Broad + Liberty*, (<https://broadandliberty.com/2023/09/07/staffing-crisis-at-bucks-county-prison-disrupts-overnight-inmate-intake/>).

A staffing crisis at the Bucks County Correctional Facility has become profound enough in recent weeks that personnel have on one occasion closed the intake process for new inmates on an overnight shift, and have considered it on at least one other occasion, according to government emails obtained by *Broad + Liberty* as well as details provided by a county official.

The BCCF intake desk was closed "August 19 into the morning of August 20 because of a large number of medical transfers which required eight officers to be relocated to off-campus watches," Bucks County spokesman James O'Malley said. "An additional two officers were on constant watch unable to perform intake duties. We have no awareness of anyone unable to be processed through intake during that period of time."

*Broad + Liberty* is characterizing that event as a closure, although O'Malley did not necessarily agree, saying, "even with their staffing challenges that night, the jail actually did manage to book an inmate who was brought in shortly after 1 a.m." on the morning of the 20th."

On Aug. 30, an email (<https://broadandliberty.com/wp-content/uploads/2023/09/BCCF-screenshot-1.png>) was circulated widely among county employees which said, "For tonight, between 10 PM – 5 AM – the Reception desk at the Jail is closed for intake due to significant staffing shortages. No new commitments can come to the BCP during the overnight hours – high profile issues should be directed to the Lt. on duty @ [redacted phone number]."

Then on August 31, an email from Robert Pollock, an administrator with Bucks County courts, further set the scene:

"Yesterday Director Kratz from BCCF contacted me to inform me about a critical staffing shortage they have been experiencing at the prison," the email (<https://broadandliberty.com/wp-content/uploads/2023/09/BCCF-screenshot-2.png>) from Pollock begins. "Approx one week ago they had to close reception from [11 p.m.] to [5 a.m.] because they did not have the minimum number of staff to safely run the prison. This meant they could not take any new commits during that time. While it did not affect the District courts, it did affect the constables and police."

The proposed closure of the intake desk on Aug. 30 did not happen, O'Malley said.

The two emails above were provided anonymously to *Broad + Liberty*.

When contacted for comment, the county **provided a follow-up email** (<https://www.documentcloud.org/documents/23940122-re-urgent-staffing-issue-tonight-bucks-county-jail>), not originally in *Broad + Liberty's* possession which showed the situation the night of the 30th was defused.

"Although there may be some delays in getting prisoners into reception depending on the volume, medical emergencies, and any additional call outs, we will be able to keep reception running through the night," said the email from David Kratz, director of the county's department of corrections. "Please be patient as things will likely be running slowly at times," Kratz said in an email about six hours after Pollock's.

O'Malley pointed out that a new set of recruits were installed last week.

"The bottom line is this: safety is always the primary consideration in the jail – both for inmates and staff. The averted intake pause [Aug. 30 – 31] was part of the jail's internal protocols designed to ensure safety is maintained," O'Malley said.

"On Aug. 31, a new class of 14 corrections officers had just graduated from the jail's seven-week training program, with 11 cadets immediately starting work. An additional 26 candidates have accepted contingent offers," O'Malley said while also adding, "we still believe we have the best-run county correctional facility in the Commonwealth."

The county did not fully address *Broad + Liberty's* original inquiry into the matter when we asked if the BCCF intake desk had been shut down at any point in the last two months. Only when *B+L* followed up did the county offer the information that the intake desk had essentially been closed the night of Aug. 19 into the morning of the 20th.

The disruptions caused by the staffing levels coincide with a [months-long debate \(https://broadandliberty.com/2023/08/25/dispute-lingers-over-support-for-new-bucks-county-sheriffs-deputies/\)](https://broadandliberty.com/2023/08/25/dispute-lingers-over-support-for-new-bucks-county-sheriffs-deputies/) over how Bucks County would fund eight new sheriff's deputies that Republican Sheriff Fred Haran requested in November of last year.

The two Democrat incumbents on the three-person board of the county commissioners, Diane Ellis-Marseglia and Bob Harvie, originally voted against adding the eight deputies, but in the following months have championed the fact that they funded the positions. Sheriff Haran has [disputed \(https://broadandliberty.com/2023/08/25/dispute-lingers-over-support-for-new-bucks-county-sheriffs-deputies/\)](https://broadandliberty.com/2023/08/25/dispute-lingers-over-support-for-new-bucks-county-sheriffs-deputies/) that account, saying the funding was delayed until media began to ask if the funding had been made available. (Deputies do not staff the BCCF, it should be noted.)



COUPON CODES AVAILABLE

Prisons and jails all across the country have struggled with staffing issues over the past decade at least, but the situation became exacerbated by the 2020 pandemic. In a 2022 op-ed, the president of the Pennsylvania State Corrections Officers Association described a dire situation at state-run facilities. “The staffing crisis in our state prisons has evolved into the single biggest problem that the Department of Corrections faces,” **wrote** <https://www.inquirer.com/opinion/commentary/pennsylvania-prison-correction-officer-shortage-20220417.html>). John Eckenrode at the time. “In June, the Pennsylvania State Corrections Officers Association began gathering staffing numbers, at which point we needed to fill 399 positions. Late last year, our staff shortages skyrocketed to 707. Even though the pandemic has subsided, we are still short 690 staff members.” News of the staffing shortage in Bucks also lands as tensions have been high in Philadelphia’s collar counties because of a dangerous inmate who escaped the Chester County prison last week and has still not been caught. As the manhunt has continued, the matter has begun to earn national media attention, including from the *New York Times* <https://www.nytimes.com/2023/09/06/us/philadelphia-fugitive-manhunt-danelo-cavalcante.html>). An **article** [https://enewspaper.dailylocal.com/infinity/article\\_popover\\_share.aspx?guid=a5621d27-5ea9-4a00-b0a1-d3088a5406b5](https://enewspaper.dailylocal.com/infinity/article_popover_share.aspx?guid=a5621d27-5ea9-4a00-b0a1-d3088a5406b5)), from June in Chester County also noted that the sheriff’s office there is so short of deputies that some “individual courtrooms that normally would see at least one deputy assigned there to provide security and prisoner transport arrangements were left unmanned for the most part.” Shortages of correctional officers also plagued the management handover in Delaware County from private control to government-run in 2022, an **article from WHYY notes** <https://whyy.org/articles/just-weeks-away-hiring-staff-remains-a-critical-need-as-delco-prepares-to-takeover-county-prison/>). “As of March 16, [2022], just 52% of current correctional officers had offer letters in process and just 38% of that group have already signed their offer letters,” as the management handover was just weeks away. In the months that followed, the county **stopped reporting its staffing levels** <https://broadandliberty.com/2022/05/10/now-under-government-management-delco-prison-backtracks-on-transparency-by-making-staffing-levels-secret/>), which had previously been a staple of the monthly reports from the private management group, GEO. The county has also had to extend contracts with private companies that have helped with recruitment for staffing its prison, even as the county had been doling out pay raises for correctional officers, as noted in a **report** <https://broadandliberty.com/2022/08/04/delco-council-extends-prison-recruiting-contract-as-staffing-issues-persist/>), from *Broad + Liberty* in August 2022.

Author



**Todd Shepherd** (<https://delawarevalleyjournal.com/author/toddsherpherbroadlib/>).

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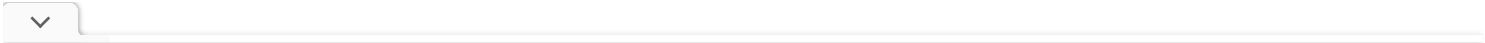
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## Suit: Bucks County corrections officials failed to prevent incarcerated man's overdose

LAWSUITS



Zeiger | Levin & Zeiger

By **Nicholas Malfitano**  
Jul 28, 2023

PHILADELPHIA – A local woman has brought litigation against Bucks County and a number of its corrections officials, alleging that their failure to ensure its prison was free of drugs led one of her loved ones to fatally overdose while in custody.

Valeria Corbin (as Administrator of the Estate of Joshua Patterson) of Philadelphia filed suit in the U.S. District Court for the Eastern District of Pennsylvania on July 21 versus Bucks County, David Kratz, James Coyne, Carl Metellus, David Galione, Kelly Reed and John Doe Corrections Officers, all of Doylestown.

“The decedent was an inmate at the Bucks County Prison in July of 2022. The decedent died in custody at the Bucks County Correctional Facility on or about Aug. 1, 2022. The decedent died due to an overdose of narcotics. In July of 2022, the decedent was supposed to be in a restrictive housing unit. However, based on information and belief, the Bucks County Correctional Facility does not maintain a restrictive housing unit; instead, they housed inmates on a normal block, but restricted their movement to their own cell,” the suit states.

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where the decedent was housed. Defendant Bucks County failed to properly screen inmates before they were admitted to the prison population to ensure they were not bringing drugs into the facility. Defendant Bucks County failed to properly monitor the prison to ensure that inmates were not distributing narcotics in July of 2022. Defendant Bucks County failed to properly monitor the prison to ensure that inmates were not using narcotics in July of 2022.”

The suit continues that as a result of Bucks County’s failure to maintain a safe prison, free of narcotics, the plaintiff overdosed on narcotics and died.

“Defendants Kratz, Coyne, Metellus, Galione, Reed and Doe were decision and policy makers at the Bucks County Prison in July of 2022, responsible for the safety of inmates. Defendants Kratz, Coyne, Metellus, Galione, Reed and Doe did not have proper safety protocols in place on to ensure the safety of inmates in July of 2022. Defendants Correctional Officer Does did not properly monitor the block on which the decedent was housed, to provide safety, and more specifically that narcotics were not distributed and used on the block. As a direct and proximate cause of defendants’ actions and inactions, the decedent suffered immense physical injuries and death. Moreover, the decedent’s family suffered mental anguish and a loss of companionship, comfort, financial support, and guidance,” the suit says.

“Moreover, the decedent had death beneficiaries who will never see him again, nor will the decedent be able to provide financial support for his beneficiaries. Defendant Bucks County failed to create, implement, and enforce policies, practices and procedures to ensure that proper safety was provided to the decedent. Bucks County failed to ensure corrections personnel properly ensured that narcotics were not rampant in the Bucks County Prison. Bucks County failed to properly treated to check inmates in who were in restrictive housing to make sure the inmates were safe. The averred mistreatment of the decedent was objectively serious – the availability and use of narcotics in custody at the Bucks County Correctional Facility is not an acceptable practice under any circumstance.”

The surviving family members of Joshua Patterson are seeking all damages available under the Survival Act and Wrongful Death Act.

For counts of violating the Eighth and Fourteenth Amendments to the U.S. Constitution through failure to protect from illicit drugs, supervisory liability and municipal liability, survival and wrongful death, the plaintiff is seeking damages in excess of \$150,000 in compensatory damages, punitive damages, delay damages, interest, attorney’s fees and allowable costs of suit and brings this action to recover same.

The plaintiff is represented by Brian J. Zeiger of Levin & Zeiger, in Philadelphia.

The defendants have not yet secured legal counsel.

*U.S. District Court for the Eastern District of Pennsylvania case 2:23-cv-02784*

*From the Pennsylvania Record: Reach Courts Reporter Nicholas Malfitano at [nick.malfitano@therecordinc.com](mailto:nick.malfitano@therecordinc.com)*

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LOCAL

# Bucks County corrections officer says he lost his job for talking to lawyer who sued county



**Jo Ciavaglia**

Bucks County Courier Times

Published 4:55 a.m. ET Sept. 19, 2024 | Updated 4:55 a.m. ET Sept. 19, 2024

A former high-ranking Bucks County corrections officer says he lost his job for revealing the county was aware of what he claims were ongoing lax security issues in the jail’s intake area before the 2023 fatal drug overdose of an inmate.

In a lawsuit filed last month in the U.S. District Court for Eastern Pennsylvania, Ara Kimbrough contends the county wrongfully terminated him for revealing the understaffing problem to an attorney suing the county and its correctional center over the inmate death.

Kimbrough contends that in the two years before Joshua Patterson died after another inmate smuggled drugs into the jail, he made “numerous verbal complaints up the chain of command,” about the severe understaffing in the Records and Reception Unit, but the county took no steps to address it.

**Another CO sues over termination** Bucks County corrections officer sues for wrongful termination. What happened in the jail

Kimbrough, an administrative lieutenant, was responsible for overseeing the unit, where inmate bookings are performed and where inmate records are stored.

According to the lawsuit, Kimbrough was specifically concerned about the ability of inmates to sneak contraband into the prison as a result of decreased security and officer presence in the Records and Reception Unit.

Kimbrough contends the county terminated him for exercising his Constitutional right to speak freely as a citizen “on matters of public concern.”



In court documents, a county attorney suggested that Kimbrough's actions were motivated by animosity over an ongoing, unrelated human resources investigation against him.

In late May, Kimbrough shared his concerns about chronic understaffing, previous complaints to higher ups, and events leading up to Patterson's death with the attorney representing Patterson's mother, Valeria Corbin, who had sued the county, the corrections center and others over his death.

Patterson, 23, a Philadelphia father of three, was found unresponsive and not breathing in his jail cell on July 27, 2022, eight months after he was incarcerated on a parole violation. He died Aug. 1 of fentanyl intoxication.

Another Bucks County inmate, Allen Rhoades Jr., 31, of Philadelphia, was later charged with providing Patterson the drugs that killed him. Rhoades is awaiting trial on drug delivery resulting in death, felony drug charges and misdemeanor reckless endangering.

Corbin alleged in her lawsuit that corrections staff in the reception unit missed a "baseball size" bag of fentanyl and methamphetamines Rhoades concealed on his body and smuggled into the general population, where he started selling to inmates including Patterson, who overdosed less than a day later, the lawsuit alleged.

In his call with Corbin's attorney, Brian Zeigler, Kimbrough revealed his previous complaints about understaffing in the reception unit, and security concerns, something the attorney said the county didn't disclose during the evidence gathering phase before trial, according to the lawsuit.

Zeigler filed an emergency motion to reopen discovery based on the new information, which identified Kimbrough as the source.

In response to Zeigler's discovery petition, the county suggested that Kimbrough's motive for contacting Zeigler was "animosity and resentment toward individuals he believes are out to wrong him," according to the filing.

Kimbrough knew the county human resources department was investigating him for unrelated matters, according to the county's response; the day before he contacted Zeigler, Kimbrough was notified of an upcoming fact-finding hearing on the allegations against him, the county alleges.

Ultimately, the federal judge dismissed Corbin's wrongful death lawsuit in June, citing a lack of evidence that pervasive drug smuggling into the Bucks County jail exists.

Attorney William Mansour, who represents Kimbrough in his civil suit, said Friday that Patterson's death was the tipping point for his client after years of raising staffing concerns among corrections staff that were ignored.

Mansour also contends that the human resources investigation the county referenced was in response to Kimbrough raising other concerns about jail operations.

Kimbrough alleges that less than two weeks after his call with Zeiger, a county assistant solicitor interviewed him about it, and he admitted speaking to the lawyer, the lawsuit says.

In late June, Kimbrough said he was emailed a "separation and general release agreement," where he alleges the county agreed to pay him "a sum of money in exchange for his voluntary resignation among other considerations," the lawsuit said.

When he refused to sign the agreement, Kimbrough alleges he was suspended without pay pending an investigation into his communication with Zeiger.

In late July, Kimbrough was let go; according to his discharge letter he was terminated for "contacting" Zeigler and sharing confidential information pertaining to a lawsuit, a violation of five county rules or policies.

In his lawsuit, though, Kimbrough contends that he never received any training or direction from the county on what kind of information is considered confidential or cannot be disclosed to attorneys.

Kimbrough is the second former high-ranking Bucks County corrections officer to sue the county over alleged wrongful termination this year.

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